IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3303 OF 2005

1. Chandrashekhar Babasaheb Deokar

2. Mrs.Jayashree C. Deokar ..Applicants

V/s.

The State of Maharashtra ..Respondent

Mr.Rajiv Patil with Mr.S.R.Bhosale for the applicants.

Mr.S.R.Shinde, APP for Respondent/State.

Coram : R.S.MOHITE,J

Date : 17.05.2005.

PC

1. The applicants are shown as accused in C.R.No.23/2005 registered by Chaturshringi police station at Pune. The incident in question occured on 10.1.2005. The applicants are husband and wife and they are said to have committed the murder of the father of applicant no.1 by name Babasaheb who was an elderly person. The prosecution case is that there was a dispute between Babasaheb on the one hand and his son and daughter-in-law i.e. present applicants. On the date of the incident it is said that there was scuffle between the applicants and Babasaheb and during this scuffle applicant no.2

gave a single blow on the head of Babasaheb with an iron rod.

2. The applicants filed an application for bail in the Sessions Court but the same came to be rejected on 25.4.2005. In the circumstances, present application is filed.

3. On perusal of the record it appears that it is a case of single blow given by a lady. Post mortem notes indicates a single C.L.W. on the occipital region bone deep 2 x 1 cm.

4. In so far as applicant no.1 is concerned, he has not caused any injury to the deceased. I find that since the applicant no.1 has not caused any injury to the deceased, he may be granted bail. As far as applicant no.2 is concerned, she has caused a fatal blow. It is debatable whether the intention of the lady was to cause death. However, without expressing any opinion in this regard, I feel that benefit of proviso to Section 437 of Cr.P.C. may be extended to applicant no.2 she being a lady.

5. In the circumstances, it is directed that pending their trial in pursuance of C.R.No.23 of 2005, the applicants may be released on bail in the sum of Rs.10,000/- each with one surety each in the

like amount subject to the condition that both the applicants will report to Chaturshringi police station once a fort-night on every alternate Monday between 5.00 P.M. to 7.00 P.M. till the conclusion of their trial.

. Application stands disposed of.

(R.S.MOHITE,J)